

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Firefighters MICHAEL BACON,
ANDREA KERNKAMP, JOE
HOWARTH, BRENNAN COOKE,
TIM WHEELER, TOM HARVEY,
JOEL BROSE, TANNER
TOWNSEND, CURTIS SMITH,
ISAIAH DEAN, NICHOLAS
HOLMES, MATTHEW NORTON,
JHAR FULLER, STEVEN HOWIE,
JEFFREY BAXTER, ARIC PISA,
DUANE WILCOX, DAVID HEIZER,
JAMES BILLMAN, MARLIN
THORMAN, JASON WEBSTER,
TIMOTHY ARCHER, COREY
BARKER, SCOTT MCCANN, and
CONNOR FOXWORTH,

Plaintiffs,

v.

NADINE WOODWARD, the Mayor
of the City of Spokane, Fire Chief
BRIAN SCHAEFFER, and the CITY
OF SPOKANE,

Defendants.

NO. 2:21-CV-0296-TOR

ORDER DIRECTING IMMEDIATE
SERVICE OF PROCESS AND
NOTICE

BEFORE THE COURT is Plaintiffs' Complaint and Motion for Temporary Restraining Order, ECF Nos. 1, 2, along with numerous other filings, ECF Nos. 4-12, 14-16, 19-22, and 27. The Court has reviewed the record and files herein. While Plaintiffs seek an immediate TRO, Plaintiffs' counsel has not filed proof of service of the summons and complaint on each of the Defendants, nor has counsel "certifie[d] in writing any efforts made to give notice and the reasons why it should not be required." *See* LCivR 4(l); F.R.Civ.P. 65(b)(1)(B). A declaration of future action is insufficient to show proper service. *See* ECF No. 2 at 22 (My office will electronically transmit the foregoing, and supporting materials, once filing is complete, and dispatch a hardcopy to counsel.).

Considering the timing of the Defendants' actions and the delay in filing this case, Defendants are entitled to proper notice and an opportunity to respond.

ACCORDINGLY, IT IS HEREBY ORDERED:

Plaintiffs shall complete service of Process and Provide the Proper Notice according to F.R.Civ.P. 65. Plaintiffs shall promptly file proof of proper service.

The District Court Executive is directed to enter this Order and furnish copies to Plaintiffs' counsel.

DATED October 18, 2021.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE

United States District Judge

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